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7 *Steadfast Insurance Company,*
erroneously sued as Steadfast
8 *Insurance Corporation*

9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

13 JAMES HOLLAND,

14 Plaintiff,

15 vs.

16 STEADFAST INSURANCE
CORPORATION, a Foreign Corporation;
17 DOES 1 through 10; ROE Entities 11
through 20, inclusive jointly and severally,

18 Defendants.
19

CASE NO. 2:18-cv-00623

PETITION FOR REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441 (DIVERSITY)

20 Pursuant to 28 U.S.C. § 1441 (b), Defendant, Steadfast Insurance Company
21 ("Steadfast") erroneously sued as Steadfast Insurance Corporation, by and through its
22 attorneys, Lewis Brisbois Bisgaard & Smith LLP, files this Petition for Removal of Clark
23 County District Court Case No. A-18-770297-C styled *James Holland vs. Steadfast*
24 *Insurance Corporation*, and states as follows:

25 1. On February 28, 2018, an action was commenced in the Eighth Judicial
26 District Court, Clark County, State of Nevada, entitled *James Holland vs. Steadfast*
27 *Insurance Corporation*, Case No. A-18-770297-C ("State Court Action"). Copies of the
28 Complaint, Summons, and Proof of Service are attached hereto and marked respectively

1 as *Exhibits A, B, and C*, constituting all of the papers and pleadings served on Defendant
2 Steadfast.

3 2. Service of the Summons and Complaint upon Defendant Steadfast was
4 made by the Division of Insurance on March 14, 2018.

5 3. This action is a civil action of which this Court has original jurisdiction under
6 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendant
7 Steadfast pursuant to the provisions of 28 U.S.C. § 1441 (b) in that it is a civil action
8 between citizens of different states and the matter in controversy exceeds the sum of
9 \$75,000.00, exclusive of interest and costs.

10 4. Venue is appropriate in the unofficial Southern District of the Court pursuant
11 to 28 U.S.C. §§ 1393 (b)(2) and (c), 1441 (a); and LR IA6-1.

12 5. In the State Court Action, the matter in controversy exceeds the sum of
13 \$75,000.00, exclusive of interest and costs. The Complaint in this action contains
14 allegations that Steadfast failed to meet its contractual obligations to Plaintiff arising from
15 an insurance contract and that such actions constitute bad faith and violations of Nevada
16 Unfair Claims Practices Act as it relates to Plaintiff's underinsured motorist insurance
17 coverage. Upon information and belief, Plaintiff alleges bodily injury as a result of the
18 subject accident and alleges his claim warrants full payment of his \$1,500,000.00
19 underinsured policy limits. Plaintiff's Complaint seeks extra-contractual damages related
20 to alleged violations by Steadfast of Nevada's Unfair Claims Practices Act and acts by
21 Steadfast which allegedly constitute bad faith. Plaintiff prays for general and special
22 damages, punitive damages, and attorney's fees and costs, and punitive damages. As
23 such, it is apparent from the type of damages alleged in the Complaint that the amount in
24 controversy exceeds the jurisdictional requirement of this Court.

25 6. Defendant Steadfast is informed and believes that Plaintiff was, at the time
26 of filing of the State Court Action, and still is, a resident of Clark County, State of Nevada.
27 Steadfast is a corporation organized and existing under the laws of the State of Delaware,
28 with its principal places of business in Dover, Delaware.

DATED this 9th day of April, 2018.

By

Attorneys for Defendant Steadfast Insurance Company, erroneously sued as Steadfast Insurance Corporation

LIST OF EXHIBITS

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Exhibit "A" Complaint
Exhibit "B" Summons
Exhibit "C" Proof of Service

CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b), I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP, and that on this 10th day of April, 2018, I did cause a true and correct copy of PETITION FOR REMOVAL OF ACTION UNDER 28 U.S.C. § 1441 (DIVERSITY) in James Holland v. Steadfast Insurance Corporation, United States District Court Case No. 2:18-cv-00623, to be served via electronic service by the U.S. District Court CM/ECF system to the parties on the Electronic Filing System.

Samantha A. Martin, Esq.
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By



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